

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 3:11-cr-30238-DRH-1

Stacy Lee Harden

Defendant.

ORDER

HERNDON, District Judge:

Now before the Court is defendant's July 21, 2015, motion to continue trial setting of August 3, 2015 (Doc. 89). Defendant indicates a need for additional time to resolve various pretrial issues.¹ The Government does not object. The Court being fully advised in the premises finds counsel and defendant require additional time to prepare an adequate defense. The Court also finds that to deny a continuance of the matter would result in a miscarriage of justice. Further, the Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.

Therefore, the Court **GRANTS** the July 21, 2015, motion to continue trial setting of August 3, 2015 (Doc. 89). The Court **CONTINUES** the jury trial scheduled for August 3, 2015, to **Monday, October 5, 2015 at 9:00 a.m.** The

¹ As noted in defendant's motion, this matter involves unusual circumstances which have necessitated additional research and discussions by the parties in efforts to resolve the matter short of a trial. Additional the Supreme Court's recent decision in *Johnson v. United States*, No. 13-7120, 2015 WL 2473450, at *11 (U.S. June 26, 2015) has added new issues that need to be considered by the parties and probation.

time from the date the original motion was filed, July 21, 2015, until the date to which the trial is rescheduled, **October 5, 2015**, is excludable time for the purposes of speedy trial.

Finally, should any party believe that a witness will be required to travel on the Justice Prisoner and Alien Transportation System (JPATS) in order to testify at the trial of this case, a writ should be requested at least two months in advance. Further, the parties shall notify the Court if a change of plea hearing is necessary.

IT IS SO ORDERED.

Signed this 22nd day of July 2015

David R. Herndon
The seal of the United States District Court for the Southern District of New York, featuring an eagle with wings spread, holding an olive branch and arrows, with the words "UNITED STATES DISTRICT COURT" and "SOUTHERN DISTRICT OF NEW YORK" around it.

Digitally signed by
David R. Herndon
Date: 2015.07.22
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United States District Court